

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant(s) : Gary J. FORD et al. Confirmation No.: 5374
Appln. No. : 10/814,226 Group Art Unit: 3711
Filing Date: : April 1, 2004 Examiner: William Pierce
For : **FLOORING SYSTEM FOR BOWLING ALLEY**

United States Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314


**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER
37 C.F.R. § 41.37**

Sir:

In response to the Notification of Non-Compliant Appeal Brief, Appellants are filing herewith the original Appeal Brief filed on April 2, 2007. In accordance with a telephonic interview with Reginald Tyson, Patent Appeals Specialist, on May 16, 2007, the original Appeal Brief is in full compliance with all requirements, including the brief having arguments under separate headings for each ground of reason on appeal. Patent Appeals Specialist Tyson indicated that a withdrawal of the Notification of Non-Compliant Appeal Brief will be forthcoming. Applicants appreciate the courtesies extended by Patent Appeals Specialist Tyson to Applicants undersigned representative.

Appellants are timely filing the Response to the Notification to Non-Compliant Appeal Brief. If extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees are authorized to be charged to Deposit Account No. 19-0089.

Respectfully submitted,


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Serial No.: 10/814,226

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)

Sir:

Appellants have filed a timely Notice of Appeal on February 2, 2007 in response to the Final Official Action of November 3, 2006. A single copy of this brief is provided pursuant to 35 U.S.C. § 41.37(a).

Appellants are timely filing this Appeal Brief, e.g., by two months of the mailing of the Notice of Appeal. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 19-0089.

REAL PARTY IN INTEREST

The real party in interest in this appeal is QubicaAMF Worldwide LLC, assignee of the entire interest in the above-identified application, as established by an assignment recorded in the U.S. Patent and Trademark Office on December 6, 2005, at Reel 017325 and Frame 0225.

RELATED APPEALS AND INTERFERENCES

The Appellants, their legal representatives and the Assignee are not currently aware of any appeal that may directly affect or be indirectly affected by or have some bearing on the Board's decision in this appeal. Attached hereto is a Related Proceedings Appendix showing no related appeals or interferences.

STATUS OF THE CLAIMS

Claims 1-12, 14-32 and 34-40 are pending in the above-identified application. Claims 1-12, 14-32 and 34-40 stand finally rejected and are the subject of this appeal. Claims 13 and 33 are canceled. Claims 1-12, 14-32 and 34-40 in issue are attached in the "Claims Appendix".

Appellants note that claim 18 was objected to for failing to further limit the subject matter of a previous claim. Although Appellants disagree with this objection, Appellants acknowledge that this objection is not subject to review by the Board of Patent Appeals and Interferences. MPEP §706.01.

STATUS OF AMENDMENTS

All prior amendments to the claims have been entered. No amendments to the claims were filed under 37 C.F.R. § 1.116 after the final rejection of the claims of November 3, 2006. Claims 1-12, 14-32 and 34-40 are pending and are attached in the "Claims Appendix".

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

Claim 1 is directed to a prefabricated flooring system adapted for use in a bowling center. (Page 1, lines 8-11, page 9 and Fig. 1.) The prefabricated flooring system includes a plurality of wooden boards 102 having a longitudinal axis. (Page 9, lines 2-6 and Fig. 1.) The plurality of wooden boards 102 each have substantially flat side edges (page 14, line 13) along the longitudinal axis. The interior boards of the plurality of wooden boards 102 are bonded together by an adhesive applied on the side edges. (Page 6, lines 7-9 and page 11, lines 20-20.) Two of the outermost boards of the plurality of wooden boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards. (Page 6, lines 9-11.)

Independent Claim 24

Claim 24 is directed to a bowling alley flooring system (Page 1, lines 8-11, page 9 and Fig. 1.) The bowling alley flooring system comprises a bowling lane 100. (Page 9, line 1 and Fig. 1.) A prefabricated approach section 200 abuts the bowling lane 100. (Page 9, lines 18-20, page 10, lines 7-13 and Fig. 1.) The prefabricated approach section 200 comprises a plurality of wooden boards having a longitudinal axis. (Fig. 1.) The plurality of wooden boards 102 each have side edges along the longitudinal axis. (Page 10, lines 7-13 and Fig. 1.) The plurality of wooden boards are bonded together by an adhesive applied on the side edges. (Page 11, lines 5-20, and Fig. 2a.) The two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form the prefabricated approach section of wooden boards. (Page 6, lines 8-12.) The prefabricated approach section 200 has a thickness approximately the same as the bowling lane 100. (Page 6, lines 13-15, paragraph spanning pages 9 and 10 and Fig. 1.)

Independent Claim 38

Claim 38 recites a prefabricated flooring system adapted for use in a bowling center. (Page 1, lines 8-11, page 9 and Fig. 1.) The prefabricated flooring system includes a plurality of wooden boards 102 having a longitudinal axis. (Page 9, lines 2-6 and Fig. 1.) The plurality of wooden boards 102 each have a long side edge and a short side edge. (Fig. 1.) The short side edges of abutting wooden floors 102 of the plurality of wooden floors have interleaved finger joints (Fig. 2b) bonded together by an adhesive applied thereon (page 16, lines 11-13), and abutting wooden floors along the long sides are bonded together by an adhesive applied thereto. (Page 6 and page 11, lines 5-20 and Fig. 2a.) Two of the outermost boards of the plurality of wooden boards 102 are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards. (Page 6, lines 8-13.)

**GROUND OF REJECTION TO BE
REVIEWED ON APPEAL**

1. Claims 1, 8, 9, 12, 19, 24, 25, 30, 31, and 37-39 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 2,969,983 issued to De Vore.
2. Claims 2-5, 7, 10, 17, 18, 20-23, 26-29, 32, 35-37 and 40 were rejected under 35 U.S.C. §103(a) for being unpatentable over De Vore.
3. Claims 14-16 and 34 were rejected under 35 U.S.C. §103(a) for being unpatentable over De Vore in view of U. S. Patent No. 5,348,513 to Heddon.

ARGUMENT

REJECTION UNDER 35 U.S.C. §102(b)

Claims 1, 8, 9, 12, 19, 24, 25, 30, 31, and 37-39 were improperly rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 2,969,983 issued to De Vore.

In order to reject a claim under 35 U.S.C. §102(b), a single reference must show each and every feature of the claimed invention, either explicitly or inherently. See, MPEP 2131.01 and *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Appellants submit that De Vore does not show all of the features of the rejected claims, as discussed in further detail below. Accordingly, Appellants request withdrawal of the rejection and an indication of allowance of the claimed invention.

***Independent Claim 1
Dependent Claims 8, 9 and 19***

Independent Claim 1

Claim 1 recites many feature that are not shown or disclosed in De Vore. By way example, De Vore does not show the combination of features of claim 1, including, amongst other features, a prefabricated flooring system adapted for use in a bowling center. De Vore also does not show a plurality of wooden boards each having substantially flat side edges along the longitudinal axis, wherein the interior boards are bonded together by an adhesive applied on the side edges and two of the outermost boards of the plurality of wooden boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.

Prefabricated

Claim 1 recites that the flooring system of the recited invention is prefabricated. It is the Examiner's opinion that the term "prefabricated" connotes no structure and at best should be considered functional language. Additionally, the Examiner provides a very broad interpretation of "prefabricated" to mean "fabricated before use". Appellants submit that this is an overly broad interpretation which is not supported by the common usage as defined in the specification and which would be known to those of skill in the art.

The term "prefabricated", as defined by the on-line version of the American Heritage® Dictionary of the English Language is:

To manufacture (a building or section of a building, for example) in advance, especially in standard sections that can be easily shipped and assembled.

This is clearly distinguishable from merely being "fabricated before use." Fabricated before use does not connote, necessarily, an advance assembly which can be shipped in the assembled form. Fabricated before use merely notes that an item is assembled, which encompasses every item that is used and has to be assembled, prior to its use. However, this is not the same as being prefabricated, which is assembled, for example, at a factory and shipped in the assembled form.

Cleary De Vore does not show this feature. Instead, as is abundantly clear from a fair reading of De Vore, the bowling lane is fabricated at the site of the bowling center. In fact, due to the construction, it would not even be possible for De Vore to provide a prefabricated bowling lane. This is due to the fact that the bowling lane is built in half sections, using a complex structure of planks, 61, 62, wires 69 and bar clamps 57 and 58. In addition, the way that the flooring assembly is required, a space 56 down the center of the alley is created between the two halves so that bar clamps 57 and 58 can respectively clamp its half of the floor. This space needs to be completed on site, which requires the placement and gluing of a center wood board between the two halves. This clearly shows

that the De Vore system cannot be prefabricated in accordance with the invention.

Also, despite the Examiner's assertion to the contrary, the term "prefabricated" does connote a structure and is not merely functional. For example, the prefabricated system of the claimed invention connotes a single flooring system which can easily be installed at site. This is not merely functional language. In contrast to the claimed invention, the flooring system of De Vore must be assembled on site, using a complex system of clamps, wires, planks, gluing, etc. For this reason, the flooring system of De Vore is not prefabricated.

Being more specific, in De Vore, the flooring panels 47 are bonded to an upper baseboard. As disclosed at col. 4,

The alley boards ... 47, are located between the side boards 34 and 35, and said side boards 34 and 35 are secured to the baseboard by adhesive of a suitable and desirable character of which various forms are on the market. As illustrated in Fig. 3 the portions of the sub-baseboard 33 which project laterally of the upper base board 41, said portions ... 48 and 49, having applied thereto, respectively, adhesive 50 and 51. The upper surface of the baseboard 41 has likewise applied thereto adhesive 52 and which adhesive 50, 51 and 52 securely holds the alley boards 47 as well as the side boards 34 and 35 in operative relation to one another and to the supporting base.

Additionally, at col. 5, De Vore discloses:

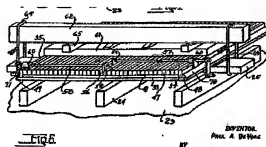
After the base boards 33 and 41 are secured by the screws 36, 37 and 40 the glue or adhesive 50 and 51 is applied for the distance corresponding to the section of the alley to be laid whereupon the side boards 34 and 35 are mounted and respectively retained in place by their respective retaining strips 70 and 71. The adhesive 52 is then applied to the upper surface of the upper baseboard 41, again for the distance corresponding to the section of the alley to be laid, whereupon one-half, less one board, of the alley boards 47 are then arranged in face contact inwardly

from each of said side boards thereby leaving a space 56 longitudinally of the alley and substantially at the center of the alley between the boards.

Disposed entirely across the alley boards and side boards is a plank 61 having disposed thereabove a second plank 62. ... A plurality of wedges 65 are then driven between the planks 61 and 62 which, since the plank 62 has its upward movement stopped by the wires 63 and 64 causes the plank to forcefully press the alley boards 47 and the side boards 34 and 35 against the adhesive on the base boards 33 and 41. The parts are retained in this position until the adhesive has thoroughly hardened for permanently and completely securing the alley boards, side boards and base boards to one another.

Surely, it is clear from the above description that the De Vore system is installed on site. For this and other reasons, the De Vore system is not a prefabricated system.

Also, the complex assembly required for the installation of the flooring system is shown in FIG. 6, as reproduced below and discussed in more detail at col. 5, for example. This complex assembly clearly teaches that the De Vore system is not a prefabricated system; instead, it is a system which is designed to be installed on site.



Accordingly, it is clear that De Vore only discloses fabricating (i.e., assembling) of the flooring system on site. There simply is no disclosure,

whatsoever, that the flooring system is prefabricated; that is, fabricated prior to being installed on site.

Additionally, Appellants even doubt, due to the complex nature of the joining method, that the De Vore flooring system could even be prefabricated. This is not only based on the above discussion, but also on the fact that the De Vore flooring system is also secured to respective retaining strips 70 and 71 and rabbit strips, structures which make the assembly of the flooring system more complex and one which would not be amenable to prefabrication away from the job site.

Moreover, the Examiner is of the opinion that

Even assuming any weight were to be given to the term prefabricated to mean manufactured off site and installed as an assembled piece, such is submitted as old in bowling to use preformed replacement panels to repair bowling alleys. See Heddon 4,169,602.

With the above noted, Appellants reiterate the use of the term "prefabricated" is structural, in nature, and should be given patentable weight when examining the claimed invention. Clearly, other references note the use of prefabrication.

As to specifically address the Heddon reference, Appellants submit that Heddon does not show all of the features of the claimed invention. In fact, Appellants submit that the presently claimed invention clearly shows improvement over the Heddon system. By way of example, Heddon discloses a fairly complex system which includes:

.... horizontally oriented groove 40 is disposed in the end of lane module 14, while another horizontally oriented groove 42 is disposed in the adjacent end of lane module 12. A splice plank 44 is inserted within grooves 40 and 42 in order to vertically align and attach the end of lane module 14 with the end of lane module 12.

Referring now to FIGS. 3 and 12, ... the somewhat different groove and splice plank configuration shown in FIGS. 3 and 12 is utilized beneath foul line 18 to provide this additional required strength. Additional splice plank securing means is

typically provided in the form of a pair of vertically oriented dowel rods 46 which are driven into holes extending through the ends of adjacent modules and the splice plank. Some form of adhesive will normally be provided to form an adhesive bond between the splice plank and the surfaces adjoining grooves 40 and 42.

.... Lane module 16 is shown disposed between gutters 22 and 24. The stringers or lane support structure 34 supports leveling strip 36 which runs perpendicular to the orientation of the bowling lane. The base 48 of lane module 16 is in the preferred embodiment formed from two one inch thick particle boards 50 and 52 which have been bonded together. ... The upper deck of panel 54 of lane module 16 is formed from a plurality of laminated hardwood strips, the vertical side surfaces of each having been adhesively bonded or laminated together. ... The lower surface of panel 54 is bonded to the upper surface of base 48. The width of panel 54 exceeds the width of base 48 in order to form female notches 56 and 58 along the sides of lane module 16.

Securing means in the form of metal hold down straps 60 are inserted into and connected to slots 62 formed in base 48. Hold down straps 60 are designed to extend downwardly from the sides of each lane module at a point between leveling strips 36 to a location adjacent lane support structure 34. A plurality of holes is provided in hold down strap 60 so that nails 64 may be driven through the straps into the lane support structure 34 in order to securely couple each lane module to the lane support structure along the complete length of each module. Both the lane modules and approach modules are secured in this manner.

Referring now to FIGS. 1 and 4, approach fill means 28 is shown disposed between approach modules 20 and 26. ...

The primary difference between an approach module and a lane module is that an approach module includes second female notches 66 and 68 which extend along the lower surface of each side of the base.

Referring now to FIGS. 4 and 6, approach fill means 28 is sixteen feet in length as are all the other approach and lane modules. The approach fill means is designed to bridge the gap between adjacent approach modules. A plurality of 2x4 shim strips 70 form a part of the approach fill means

and are disposed at predetermined intervals along the length of the approach fill means. These shim strips are also designated as approach fill support means. Shim strips 70 are designed to be inserted into and secured by the second female notches 66 and 68 of adjacent approach modules.

Referring now to FIGS. 7, 8 and 9, the remaining elements of approach fill means 28 include first wing module 72, second wing module 74 and key way module 76. All three of these modules include a hardwood deck or panel 54 of the type described earlier. Each of these modules also includes a base which is bonded to panel 54 but which is of a shallower depth than base 48 of the approach and lane modules. The total depth of base 78 plus shim strips 70 is exactly equal to the depth of base 48 of the approach and lane modules.

First wing module 72 is inserted adjacent to approach module 20 and include a first male notch 80 along one side which is designed to extend into the first female notch 56 in approach module 20. Similarly, second wing module 74 includes a first male notch for insertion into female notch 56 which extends along the side of approach module 26. The interlocking action between the male and female notches securely maintains the outer edges of the two wing sections in position with respect to the adjacent approach modules. The outer edges of the bases of the wing modules have been shown having a tapered edge in order to facilitate insertion into the female notches of the adjacent approach modules. The inner edge of each wing module includes a second male notch 84.

The left hand side of key way module 76 includes a first female notch 86 along one side for receiving the second male notch 84 of first wing module 72. The right hand side of key way module 76 includes a second female notch 88 for receiving the second male notch 84 of second wing module 74.

Wing modules 72 and 74 are first inserted adjacent to approach modules 20 and 26. Key way module 76 is positioned last and can be maintained in position by any number of techniques. Key way module 76 can be adhesively bonded to shim strips 70 or coupled by screws to leveling strips 36. Due to the interlock provided between the outer edges of the two wing modules, anchoring key way

panel 76 to the lane support structure eliminates any requirement for further securing the wing modules.

See, Heddon cols. 4-7.

Clearly such a system is more complex than that of the claimed invention, which only requires an adhesive on both sides of the inner board members, and on one side of the outer board members.

Lastly, the Examiner provides an argument related to motivation at page 3 of the office action. More specifically, the Examiner is of the opinion that the motivation to prefabricate a product built on site is well known in order to be able to factory build the majority of the components and eliminate the need to build them, on site. Appellants do not disagree that prefabricating components are known in the art; however, there is no disclosure, whatsoever, that the reference applied by the Examiner shows the combination of features of claim 1. Moreover, Appellants submit that an argument related to motivation is improper under 35 U.S.C. §102. Instead, motivation arguments are limited to rejections under 35 U.S.C. §103.

Only One Side

Claim 1 further recites that the outermost boards of the plurality of wooden boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards. More specifically, claim 1 recites, in part,

.... outermost boards of the plurality of wooden boards being bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.

This feature is not shown in De Vore. In fact, De Vore teaches away from this feature. More specifically, De Vore specifically teaches that the outermost boards are adhered to retaining strips 70 and 71 (as well as to the inner respective boards). See, col. 4, lines 70-74. This is required for the flooring

assembly of De Vore, but is not a requirement of the presently claimed invention. Accordingly, De Vore does not teach these features of the base claim 1 of the present invention and, thus, by definition cannot anticipate the claimed invention.

Dependent Claims 8, 9 and 19

Claims 8, 9 and 19 depend from base claim 1. For the reasons addressed above, Appellants submit that claims 8, 9 and 19 are distinguishable claims and should thus be passed to issuance.

Independent Claim 24

As with claim 1, claim 24 recites many features that are not shown or disclosed in De Vore. By way of example, De Vore does not show the combination of features of claim 24, including a prefabricated approach section abutting the bowling lane. De Vore also does not show that the prefabricated approach section comprises a plurality of wooden boards each having side edges along the longitudinal axis bonded together by an adhesive applied on the side edges wherein two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form the prefabricated approach section of wooden boards. Appellants further submit that De Vore does not show that a prefabricated approach section has a thickness approximately the same as the bowling lane.

Approach Section

Claim 24 is specifically directed to a prefabricated approach section abutting the bowling lane. Appellants note that "approach section" has a specific meaning in the bowling industry. For example, according to the on-line glossary of terms on the U.S. Bowling Congress¹ webpage, "approach" is defined as:

¹ U.S. Bowling Congress is the official sanctioning body for the bowling industry.

APPROACH 1) Portion of the lane behind foul line used by bowlers to build momentum to deliver the ball.

See, <http://www.bowl.com/pressroom/glossary.aspx>.

As an approach section is clearly different than a bowling lane, Appellants submit that De Vore does not show these features of claim 24. De Vore, throughout the entire disclosure, only discloses a bowling lane; a section of a bowling lane much different from the approach section (or area). In fact, Appellants submit that the prefabrication of an approach section (or area) requires other considerations, none of which are even remotely contemplated by De Vore or taken into consideration when building a bowling lane. Instead, De Vore is directed only to a bowling lane, with the specific requirements thereof.

More specifically, Appellants submit that an approach section has its own considerations to take into account, and should be considered a structural feature of the claimed invention. By way of example, in manufacturing an approach section, there are no gutters, there is a requirement that the flooring system is of the same height (e.g., thickness) as the bowling lane, there are different flooring requirements due to wear issues, etc. None of these considerations seem to be taken into account in De Vore. Despite these other considerations, De Vore is also clearly directed only to a bowling lane as it is placed between the respective gutters. For this reason, amongst others, De Vore clearly does not anticipate claim 24.

Prefabricated

Claim 24 recites that the approach section is prefabricated. Again, Appellants submit that the term "prefabricated" connotes structure and should be afforded patentable weight. Appellants submit that the Examiner's interpretation is overly broad; not supported by the common usage as defined in the specification and which would be known to those of skill in the art.

The term "prefabricated"; as defined by the on-line version of the American Heritage® Dictionary of the English Language is:

To manufacture (a building or section of a building, for example) in advance, especially in standard sections that can be easily shipped and assembled.

This is clearly distinguishable from merely being "fabricated before use." Fabricated before use does not connote, necessarily, an advance assembly which can be shipped in the assembled form. Fabricated before use merely notes that an item is assembled, which encompasses every item that is used and has to be assembled, prior to its use. However, this is not the same as being prefabricated, which is assembled, for example, at a factory and shipped in the assembled form.

Cleary De Vore does not show this feature. Instead, De Vore shows a bowling lane fabricated at the site of the bowling center. As previously discussed, due to the construction of the De Vore bowling lane, it would not even be possible for De Vore to provide a prefabricated bowling lane, much less an approach section abutting the bowling lane.

In De Vore, the bowling lane is built in half sections, using a complex structure of planks, 61, 62, wires 69 and bar clamps 57 and 58. In addition, the way that the flooring assembly is required, a space 56 down the center of the alley is created between the two halves so that bar clamps 57 and 58 can respectively clamp its half of the floor. This space needs to be completed on site, which requires the placement and gluing of a center wood board between the two halves. This clearly shows that the De Vore system cannot be prefabricated in accordance with the invention.

Also, despite the Examiner's assertion to the contrary, the term "prefabricated" does connote a structure and is not merely functional. For example, the prefabricated system of the claimed invention connotes a single flooring system which can easily be installed at site. This is not merely functional language. In contrast to the claimed invention, the flooring system of De Vore must be assembled on site, using a complex system of clamps, wires, planks, gluing, etc. For this reason, the flooring system of De Vore is not prefabricated.

Being more specific, in De Vore, the flooring panels 47 are bonded to an upper baseboard. As disclosed at col. 4,

The alley boards ... 47, are located between the side boards 34 and 35, and said side boards 34 and 35 are secured to the baseboard by adhesive of a suitable and desirable character of which various forms are on the market. As illustrated in Fig. 3 the portions of the sub-baseboard 33 which project laterally of the upper base board 41, said portions ... 48 and 49, having applied thereto, respectively, adhesive 50 and 51. The upper surface of the baseboard 41 has likewise applied thereto adhesive 52 and which adhesive 50, 51 and 52 securely holds the alley boards 47 as well as the side boards 34 and 35 in operative relation to one another and to the supporting base.

Additionally, at col. 5, De Vore discloses:

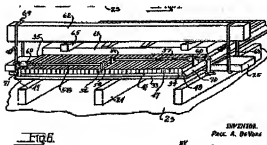
After the base boards 33 and 41 are secured by the screws 36, 37 and 40 the glue or adhesive 50 and 51 is applied for the distance corresponding to the section of the alley to be laid whereupon the side boards 34 and 35 are mounted and respectively retained in place by their respective retaining strips 70 and 71. The adhesive 52 is then applied to the upper surface of the upper baseboard 41, again for the distance corresponding to the section of the alley to be laid, whereupon one-half, less one board, of the alley boards 47 are then arranged in face contact inwardly from each of said side boards thereby leaving a space 56 longitudinally of the alley and substantially at the center of the alley between the boards.

Disposed entirely across the alley boards and side boards is a plank 61 having disposed thereabove a second plank 62. ... A plurality of wedges 65 are then driven between the planks 61 and 62 which, since the plank 62 has its upward movement stopped by the wires 63 and 64 causes the plank to forcefully press the alley boards 47 and the side boards 34 and 35 against the adhesive on the base boards 33 and 41. The parts are retained in this position until the

adhesive has thoroughly hardened for permanently and completely securing the alley boards, side boards and base boards to one another.

Surely, it is clear from the above description that the De Vore system is installed on site. For this and other reasons, the De Vore system is not a prefabricated system.

Also, the complex assembly required for the installation of the flooring system is shown in FIG. 6, as reproduced below and discussed in more detail at col. 5, for example. This complex assembly clearly teaches that the De Vore system is not a prefabricated system; instead, it is a system which is designed to be installed on site.



Accordingly, it is clear that De Vore only discloses fabricating (i.e., assembling) of the flooring system on site. There simply is no disclosure, whatsoever, that the flooring system is prefabricated; that is, fabricated prior to being installed on site.

Additionally, Appellants even doubt, due to the complex nature of the joining method, that the De Vore flooring system could even be prefabricated, much less be prefabricated for an approach section. This is not only based on the above discussion, but also on the fact that the De Vore flooring system is also secured to respective retaining strips 70 and 71 and rabbit strips, structures which makes the assembly of the flooring system more complex and one which would not be amendable to prefabrication away from the job site.

Moreover, the Examiner is of the opinion that

Even assuming any weight were to be given to the term prefabricated to mean manufactured off site and installed as an assembled piece, such is submitted as old in bowling to use preformed replacement panels to repair bowling alleys. See Heddon 4,169,602.

With the above noted, Appellants reiterate the use of the term "prefabricated" is structural, in nature, and should be given patentable weight when examining the claimed invention.

As to specifically address the Heddon reference, Appellants submit that Heddon does not show all of the features of the claimed invention. In fact, Appellants submit that the presently claimed invention clearly shows improvements over the Heddon system. By way of example, Heddon discloses an approach which includes:

The approach modules of the present invention are constructed in a manner very similar to the lane modules except that the sides of each approach module include both first and second female notches for receiving specially configured approach fill means which span the approach area between adjacent bowling lanes. The approach fill means includes premanufactured wooden subassemblies which are readily installed. (See, Abstract.)

Clearly such a system is more complex than that of the claimed invention, which only requires an adhesive on both sides of the inner board members, and on one side of the outer board members.

Appellants also submit that due to the fact that the approach modules of Heddon requires approach fill means, as discussed in more detail with reference to claim 1 (which is incorporated herein by reference), the approach modules of Heddon are not prefabricated, in contrast to the claimed invention.

Lastly, the Examiner provides an argument related to motivation at page 3 of the office action. More specifically, the Examiner is of the opinion that the motivation to prefabricate a product built on site is well known in order to be able to factory build the majority of the components and eliminate the need to build

them, on site. Appellants do not disagree that prefabricating components are known in the art; however, there is no disclosure, whatsoever, that the reference applied by the Examiner shows the combination of features of claim 24. Moreover, Appellants submit that an argument related to motivation is improper under 35 U.S.C. §102. Instead, motivation arguments are limited to rejections under 35 U.S.C. §103.

Only One Side

Claim 24 further recites that the outermost boards of the plurality of wooden boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards. More specifically, claim 24 recites, in part,

.... the plurality of wooden boards being bonded together by an adhesive applied on the side edges wherein two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form the prefabricated approach section of wooden boards....

This feature is not shown in De Vore. In fact, De Vore teaches away from this feature. More specifically, De Vore specifically teaches that the outer most boards are adhered to retaining strips 70 and 71 (as well as to the inner respective boards). See, col. 4, lines 70-74. This is required for the flooring assembly of De Vore, but is not a requirement of the presently claimed inventions. Accordingly, De Vore does not teach these features of the base claim 24 of the present invention and, thus, by definition cannot anticipate the claimed invention.

Same Thickness

Claim 24 further requires that the prefabricated approach section has a thickness approximately the same as the bowling lane. This feature is of

significance since it is important to ensure that the bowling lane and the approach section are at a same level. By way of example, as should be understood by those of skill in the art, the flooring system of a bowling center is placed on a complex infrastructure, not much different than that described in De Vore. When prefabricating the flooring system of an approach section, the original bowling lane may remain intact, or may be replaced, depending on its wear. In any instance, it is important that the prefabricated approach section be constructed in such a manner that it either matches in height the original bowling lane surface or a surface of a prefabricated lane or even a surface of a bowling lane built on site, both of which must take into account the underlying infrastructure.

To this end, Appellants submit that there is no disclosure, whatsoever, in De Vore, of a prefabricated approach section (or area) having a same thickness as a bowling lane. De Vore is silent as to such a feature.

Independent Claim 38

As with claim 1, claim 38 recites many feature that are not shown or disclosed in De Vore. By way of example, De Vore does not show the combination of features of claim 38, including a prefabricated flooring system adapted for use in a bowling center. De Vore also does not show a plurality of wooden boards each having short side edges and interleaved finger joints bonded together by an adhesive applied thereon. Appellants further submit that De Vore does not show the long sides being bonded together by an adhesive applied thereto with two of the outermost boards of the plurality of wooded boards being bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.

Prefabricated

Claim 38 recites that the flooring system of the recited invention is prefabricated. It is the Examiner's opinion that the term "prefabricated" connotes no structure and at best should be considered functional language. The

Examiner provides a very broad interpretation of "prefabricated" to mean "fabricated before use". Appellants submit that this is an overly broad interpretation which is not supported by the common usage as defined in the specification and which would be known to those of skill in the art.

The term "prefabricated", as defined by the on-line version of the American Heritage® Dictionary of the English Language is:

To manufacture (a building or section of a building, for example) in advance, especially in standard sections that can be easily shipped and assembled.

This is clearly distinguishable from merely being "fabricated before use." Fabricated before use does not connote, necessarily, an advance assembly which can be shipped in the assembled form. Fabricated before use merely notes that an item is assembled, which encompasses every item that is used and has to be assembled, prior to its use. However, this is not the same as being prefabricated, which is assembled, for example, at a factory and shipped in the assembled form.

Cleary De Vore does not show this feature. Instead, as is abundantly clear from a fair reading of De Vore, the bowling lane is fabricated at the site of the bowling lane. In fact, due to the construction, it would not even be possible to provide a prefabricated bowling lane for De Vore. This is due to the fact that the bowling lane is built in half sections, using a complex structure of planks, 61, 62, wires 69 and bar clamps 57 and 58. In addition, the way that the flooring assembly is required, a space 56 down the center of the alley is created between the two halves so that bar clamps 57 and 58 can respectively clamp its half of the floor. This space needs to be completed on site, which requires the placement and gluing of a center wood board between the two halves. This clearly shows that the De Vore system cannot be prefabricated in accordance with the invention.

Also, despite the Examiner's assertion to the contrary, the term "prefabricated" does connote a structure and is not merely functional. For

example, the prefabricated system of the claimed invention connotes a single flooring system which can easily be installed at site. This is not merely functional language. In contrast to the claimed invention, the flooring system of De Vore must be assembled on site, using a complex system of clamps, wires, planks, gluing, etc. For this reason, the flooring system of De Vore is not prefabricated.

Being more specific, in De Vore, the flooring panels 47 are bonded to an upper baseboard. As disclosed at col. 4,

The alley boards ... 47, are located between the side boards 34 and 35, and said side boards 34 and 35 are secured to the baseboard by adhesive of a suitable and desirable character of which various forms are on the market. As illustrated in Fig. 3 the portions of the sub-baseboard 33 which project laterally of the upper base board 41, said portions ... 48 and 49, having applied thereto, respectively, adhesive 50 and 51. The upper surface of the baseboard 41 has likewise applied thereto adhesive 52 and which adhesive 50, 51 and 52 securely holds the alley boards 47 as well as the side boards 34 and 35 in operative relation to one another and to the supporting base.

Additionally, at col. 5, De Vore discloses:

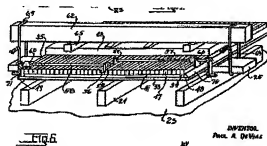
After the base boards 33 and 41 are secured by the screws 36, 37 and 40 the glue or adhesive 50 and 51 is applied for the distance corresponding to the section of the alley to be laid whereupon the side boards 34 and 35 are mounted and respectively retained in place by their respective retaining strips 70 and 71. The adhesive 52 is then applied to the upper surface of the upper baseboard 41, again for the distance corresponding to the section of the alley to be laid, whereupon one-half, less one board, of the alley boards 47 are then arranged in face contact inwardly from each of said side boards thereby leaving a space 56 longitudinally of the alley and substantially at the center of the alley between the boards.

Disposed entirely across the alley boards and side boards is a plank 61 having disposed thereabove a

second plank 62. ... A plurality of wedges 65 are then driven between the planks 61 and 62 which, since the plank 62 has its upward movement stopped by the wires 63 and 64 causes the plank to forcefully press the alley boards 47 and the side boards 34 and 35 against the adhesive on the base boards 33 and 41. The parts are retained in this position until the adhesive has thoroughly hardened for permanently and completely securing the alley boards, side boards and base boards to one another.

Surely, it is clear from the above description that the De Vore system is installed on site. For this and other reasons, the De Vore system is not a prefabricated system.

Also, the complex assembly required for the installation of the flooring system is shown in FIG. 6, as reproduced below and discussed in more detail at col. 5, for example. This complex assembly clearly teaches that the De Vore system is not a prefabricated system; instead, it is a system which is designed to be installed on site.



Accordingly, it is clear that De Vore only discloses fabricating (i.e., assembling) of the flooring system on site. There simply is no disclosure, whatsoever, that the flooring system is prefabricated; that is, fabricated prior to being installed on site.

Additionally, Appellants even doubt, due to the complex nature of the joining method, that the De Vore flooring system could even be prefabricated. This is not only based on the above discussion, but also on the fact that the De Vore flooring system is also secured to respective retaining strips 70 and 71 and rabbit strips, structures which makes the assembly of the flooring system more

complex and one which would not be amendable to prefabrication away from the job site.

Moreover, the Examiner is of the opinion that

Even assuming any weight were to be given to the term prefabricated to mean manufactured off site and installed as an assembled piece, such is submitted as old in bowling to use preformed replacement panels to repair bowling alleys. See Heddon 4,169,602.

With the above noted, Appellants reiterate the use of the term "prefabricated" is structural, in nature, and should be given patentable weight when examining the claimed invention.

As to specifically address the Heddon reference, Appellants submit that Heddon does not show all of the features of the claimed invention. In fact, Appellants submit that the presently claimed invention clearly shows improvement over the Heddon system. By way of example, Heddon discloses a fairly complex system which includes:

.... horizontally oriented groove 40 is disposed in the end of lane module 14, while another horizontally oriented groove 42 is disposed in the adjacent end of lane module 12. A splice plank 44 is inserted within grooves 40 and 42 in order to vertically align and attach the end of lane module 14 with the end of lane module 12.

Referring now to FIGS. 3 and 12, ... the somewhat different groove and splice plank configuration shown in FIGS. 3 and 12 is utilized beneath foul line 18 to provide this additional required strength. Additional splice plank securing means is typically provided in the form of a pair of vertically oriented dowel rods 46 which are driven into holes extending through the ends of adjacent modules and the splice plank. Some form of adhesive will normally be provided to form an adhesive bond between the splice plank and the surfaces adjoining grooves 40 and 42.

.... Lane module 16 is shown disposed between gutters 22 and 24. The stringers or lane support structure 34 supports

leveling strip 36 which runs perpendicular to the orientation of the bowling lane. The base 48 of lane module 16 is in the preferred embodiment formed from two one inch thick particle boards 50 and 52 which have been bonded together. ... The upper deck of panel 54 of lane module 16 is formed from a plurality of laminated hardwood strips, the vertical side surfaces of each having been adhesively bonded or laminated together. ... The lower surface of panel 54 is bonded to the upper surface of base 48. The width of panel 54 exceeds the width of base 48 in order to form female notches 56 and 58 along the sides of lane module 16.

Securing means in the form of metal hold down straps 60 are inserted into and connected to slots 62 formed in base 48. Hold down straps 60 are designed to extend downwardly from the sides of each lane module at a point between leveling strips 36 to a location adjacent lane support structure 34. A plurality of holes is provided in hold down strap 60 so that nails 64 may be driven through the straps into the lane support structure 34 in order to securely couple each lane module to the lane support structure along the complete length of each module. Both the lane modules and approach modules are secured in this manner.

Referring now to FIGS. 1 and 4, approach fill means 28 is shown disposed between approach modules 20 and 26. ...

The primary difference between an approach module and a lane module is that an approach module includes second female notches 66 and 68 which extend along the lower surface of each side of the base.

Referring now to FIGS. 4 and 6, approach fill means 28 is sixteen feet in length as are all the other approach and lane modules. The approach fill means is designed to bridge the gap between adjacent approach modules. A plurality of 2x4 shim strips 70 form a part of the approach fill means and are disposed at predetermined intervals along the length of the approach fill means. These shim strips are also designated as approach fill support means. Shim strips 70 are designed to be inserted into and secured by the second female notches 66 and 68 of adjacent approach modules.

Referring now to FIGS. 7, 8 and 9, the remaining elements of approach fill means 28 include first wing module 72, second wing module 74 and key way module 76. All three of

these modules include a hardwood deck or panel 54 of the type described earlier. Each of these modules also includes a base which is bonded to panel 54 but which is of a shallower depth than base 48 of the approach and lane modules. The total depth of base 78 plus shim strips 70 is exactly equal to the depth of base 48 of the approach and lane modules.

First wing module 72 is inserted adjacent to approach module 20 and include a first male notch 80 along one side which is designed to extend into the first female notch 56 in approach module 20. Similarly, second wing module 74 includes a first male notch for insertion into female notch 56 which extends along the side of approach module 26. The interlocking action between the male and female notches securely maintains the outer edges of the two wing sections in position with respect to the adjacent approach modules. The outer edges of the bases of the wing modules have been shown having a tapered edge in order to facilitate insertion into the female notches of the adjacent approach modules. The inner edge of each wing module includes a second male notch 84.

The left hand side of key way module 76 includes a first female notch 86 along one side for receiving the second male notch 84 of first wing module 72. The right hand side of key way module 76 includes a second female notch 88 for receiving the second male notch 84 of second wing module 74.

Wing modules 72 and 74 are first inserted adjacent to approach modules 20 and 26. Key way module 76 is positioned last and can be maintained in position by any number of techniques. Key way module 76 can be adhesively bonded to shim strips 70 or coupled by screws to leveling strips 36. Due to the interlock provided between the outer edges of the two wing modules, anchoring key way panel 76 to the lane support structure eliminates any requirement for further securing the wing modules.

See, Heddson cols. 4-7.

Clearly such a system is more complex than that of the claimed invention, which only requires an adhesive on both sides of the inner board members, and on one side of the outer board members.

Lastly, the Examiner provides an argument related to motivation at page 3 of the office action. More specifically, the Examiner is of the opinion that the motivation to prefabricate a product built on site is well known in order to be able to factory build the majority of the components and eliminate the need to build them, on site. Appellants do not disagree that prefabricating components are known in the art; however, there is no disclosure, whatsoever, that the reference applied by the Examiner shows the combination of features of claim 38.

Moreover, Appellants submit that an argument related to motivation is improper under 35 U.S.C. §102. Instead, motivation arguments are limited to rejections under 35 U.S.C. §103.

Only One Side

Claim 38 further recites that the outermost boards of the plurality of wooden boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards. More specifically, claim 38 recites, in part,

.... outermost boards of the plurality of wooden boards being bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.

This feature is not shown in De Vore. In fact, De Vore teaches away from this feature. More specifically, De Vore specifically teaches that the outermost boards are adhered to retaining strips 70 and 71 (as well as to the inner respective boards). See, col. 4, lines 70-74. This is required for the flooring assembly of De Vore, but is not a requirement of the presently claimed inventions. Accordingly, De Vore does not teach these features of the base claim 38 of the present invention and, thus, by definition cannot anticipate the claimed invention.

Short Sides

Claim 38 further recites that the short side edges of abutting wooden floors of the plurality of wooden floors have interleaved finger joints bonded together by an adhesive applied thereon. This feature is not shown by De Vore.

In De Vore, at best, there is disclosure of a dovetail connection at col. 2, lines 50-54. More specifically, De Vore discloses:

The alley proper, inwardly of the foul line 12, is provided with what is known as a dovetail 17 and terminates forwardly of the pit 16 with a second dovetail 18. The dovetails while of considerable length are of considerably less length than the alley portion located between said dovetails. The dovetails are made up of alternate short and long boards, at the foul in end of the alley being respectively indicated by reference numerals 10 and 20 and at the pit end of the alley by reference numerals 21 and 22.

However, Appellants submit that there is no indication or showing that the dovetails are interleaved at the short ends of each of the boards, to make a connection thereof. Additionally, Appellants submit that De Vore is completely silent as to whether the dovetails are glued to one another in order to connect adjacent boards, along the short end sides. For at least this reason, Appellants submit that the De Vore reference does not show the feature of claim 38.

Dependent Claim 12

Claim 12 is dependent on claim 11. Claim 12 recites that the underlayment is bonded to the plurality of wooden boards by adhesive or fastening device. Claim 11, on the other hands, recites that the board is an MDF and HDF board. De Vore, simply, does not show these materials used in its flooring system. Appellants submit that De Vore does not show the features of claim 12. For example, De Vore does not show MDF or HDF construction.

Also, Appellants note that claim 11 is not rejected under 35 U.S.C. §102(b); instead, this claim is rejected under 35 U.S.C. §103(a). As such, it is

improper to reject claim 12, which is dependent on claim 11, under 35 U.S.C. §102(b). That is, by definition, the features of claim 12 include the features of claim 11. And, noting that claim 11 is not anticipated, it is not possible for claim 12 to be anticipated. For this reason also the rejection of claim 12 is improper and should be withdrawn.

Dependent Claim 25

Claim 25 is dependent on claim 24. Claim 25 recites that the bowling lane is a laminate floor. This feature is not shown or described in De Vore. In fact, Appellants submit that the Examiner does not even appear to address this feature in the final office. In any event, De Vore only shows a wooden lane.

Dependent Claim 30

Claim 30 is dependent on claim 24. Claim 30 recites that the bowling lane includes a plurality of wooden boards bonded together by an adhesive applied on the side edges wherein two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a prefabricated bowling lane section of wooden boards.

De Vore does not show the features of claim 30. Again, De Vore shows a prefabricated bowling system. As argued above, the De Vore system is a complex system which is fabricated on site. The term "prefabricated", as defined by the on-line version of the American Heritage® Dictionary of the English Language is:

To manufacture (a building or section of a building, for example) in advance, especially in standard sections that can be easily shipped and assembled.

This is clearly distinguishable from merely being "fabricated before use." Fabricated before use does not connote, necessarily, an advance assembly which can be shipped in the assembled form. Fabricated before use merely notes that an item is assembled, which encompasses every item that is used and

has to be assembled, prior to its use. However, this is not the same as being prefabricated, which is assembled, for example, at a factory and shipped in the assembled form.

Cleary De Vore does not show this feature. Instead, as is abundantly clear from a fair reading of De Vore, the bowling lane is fabricated at the site of the bowling lane. In fact, due to the construction, it would not even be possible to provide a prefabricated bowling lane for De Vore. This is due to the fact that the bowling lane is built in half sections, using a complex structure of planks, 61, 62, wires 69 and bar clamps 57 and 58. In addition, the way that the flooring assembly is required, a space 56 down the center of the alley is created between the two halves so that bar clamps 57 and 58 can respectively clamp its half of the floor. This space needs to be completed on site, which requires the placement and gluing of a center wood board between the two halves. This clearly shows that the De Vore system cannot be prefabricated in accordance with the invention.

Also, despite the Examiner's assertion to the contrary, the term "prefabricated" does connote a structure and is not merely functional. For example, the prefabricated system of the claimed invention connotes a single flooring system which can easily be installed at site. This is not merely functional language. In contrast to the claimed invention, the flooring system of De Vore must be assembled on site, using a complex system of clamps, wires, planks, gluing, etc. For this reason, the flooring system of De Vore is not prefabricated.

Being more specific, in De Vore, the flooring panels 47 are bonded to an upper baseboard. As disclosed at col. 4,

The alley boards ... 47, are located between the side boards 34 and 35, and said side boards 34 and 35 are secured to the baseboard by adhesive of a suitable and desirable character of which various forms are on the market. As illustrated in Fig. 3 the portions of the sub-baseboard 33 which project laterally of the upper base board 41, said portions ... 48 and 49, having applied thereto, respectively, adhesive 50 and 51. The upper surface of the baseboard 41 has likewise applied thereto adhesive

52 and which adhesive 50, 51 and 52 securely holds the alley boards 47 as well as the side boards 34 and 35 in operative relation to one another and to the supporting base.

Additionally, at col. 5, De Vore discloses:

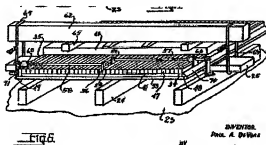
After the base boards 33 and 41 are secured by the screws 36, 37 and 40 the glue or adhesive 50 and 51 is applied for the distance corresponding to the section of the alley to be laid whereupon the side boards 34 and 35 are mounted and respectively retained in place by their respective retaining strips 70 and 71. The adhesive 52 is then applied to the upper surface of the upper baseboard 41, again for the distance corresponding to the section of the alley to be laid, whereupon one-half, less one board, of the alley boards 47 are then arranged in face contact inwardly from each of said side boards thereby leaving a space 56 longitudinally of the alley and substantially at the center of the alley between the boards.

Disposed entirely across the alley boards and side boards is a plank 61 having disposed thereabove a second plank 62. ... A plurality of wedges 65 are then driven between the planks 61 and 62 which, since the plank 62 has its upward movement stopped by the wires 63 and 64 causes the plank to forcefully press the alley boards 47 and the side boards 34 and 35 against the adhesive on the base boards 33 and 41. The parts are retained in this position until the adhesive has thoroughly hardened for permanently and completely securing the alley boards, side boards and base boards to one another.

Surely, it is clear from the above description that the De Vore system is installed on site. For this and other reasons, the De Vore system is not a prefabricated system.

Also, the complex assembly required for the installation of the flooring system is shown in FIG. 6, as reproduced below and discussed in more detail at col. 5, for example. This complex assembly clearly teaches that the De Vore

system is not a prefabricated system; instead, it is a system which is designed to be installed on site.



Accordingly, it is clear that De Vore only discloses fabricating (i.e., assembling) of the flooring system on site. There simply is no disclosure, whatsoever, that the flooring system is prefabricated; that is, fabricated prior to being installed on site.

Additionally, Appellants even doubt, due to the complex nature of the joining method, that the De Vore flooring system could even be prefabricated. This is not only based on the above discussion, but also on the fact that the De Vore flooring system is also secured to respective retaining strips 70 and 71 and rabbit strips, structures which makes the assembly of the flooring system more complex and one which would not be amendable to prefabrication away from the job site.

Also, De Vore does not show only one side of the outermost boards are bonded to the inner boards. In fact, De Vore teaches away from this feature. More specifically, De Vore specifically teaches that the outer most boards are adhered to retaining strips 70 and 71 (as well as to the inner respective boards). See, col. 4, lines 70-74. This is required for the flooring assembly of De Vore, but is not a requirement of the presently claimed inventions. Accordingly, De Vore does not teach these features of the respective base claims of the present invention and, thus, by definition cannot anticipate the claimed invention.

Dependent Claim 31

Claim 31 is dependent on claim 29 which, in turn, is dependent on claim 25. Claim 31 recites a curable finish on the prefabricated approach section of wooden boards.

As discussed above, De Vore does not address an approach section, which has a specific definition in the bowling industry. Also, as noted above, the approach section has different flooring requirements as compared to a bowling lane. Accordingly, the term "approach" section has a structural connotation. De Vore only shows and discloses a system for a bowling lane. For this reason, Appellants submit that claim 31 is not anticipated by De Vore.

Moreover, claim 29 depends from claim 25. Claim 29 recites many different adhesives which can be used with the present invention and claim 25 recites that the flooring is a laminate flooring. De Vore simply does not teach these features. De Vore recites, generally, the use of adhesive, none of which are recited by the claimed invention. De Vore also recites the use of wooden lanes, but makes no mention of a laminate.

Also, Appellants note that claim 29 is not rejected under 35 U.S.C. §102(b); instead, this claim is rejected under 35 U.S.C. §103(a). As such, it is improper to reject claim 31, which is dependent on claim 29, under 35 U.S.C. §102(b). That is, by definition, the features of claim 31 include the features of claim 29. And, noting that claim 29 is not anticipated, it is not possible for claim 31 to be anticipated. For this reason also the rejection of claim 31 is improper and should be withdrawn.

Dependent Claim 37

Claim 37 is dependent on claim 24. Claim 37 recites contrasting dowels used as range finders. De Vore makes no mention of dowels used as range finders. For this reason, it is not possible for De Vore to anticipate the claimed invention.

Dependent Claim 39

Claim 39 is dependent on claim 38. Claim 39 recites that the preformed section of wooden boards is at least a section of an approach area. As argued above, the approach area has different flooring requirements as compared to a bowling lane. Accordingly, the term "approach" section has a structural connotation.

Again, as argued above, De Vore does not show that the boards form an approach area. De Vore is directed specifically to a bowling lane, which is different than an approach area, with different flooring requirements.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 2-5, 7, 10, 17, 18, 20-23, 26-29, 32, 35-37 and 40 were rejected under 35 U.S.C. §103(a) for being unpatentable over De Vore.

Claims 14-16 and 34 were rejected under 35 U.S.C. §103(a) for being unpatentable over De Vore in view of U. S. Patent No. 5,348,513 to Heddon.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach all the claim limitations. MPEP § 2142. Applicants respectfully submit that the applied references do not teach or suggest all of the claim limitations and, as such, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Dependent Claim 2

Claim 2 depends from claim 1. Claim 2 recites that the thickness of the plurality of wooden boards is less than 2 3/4 inches. The Examiner is of the opinion that this is an obvious design choice. Appellants do not agree and submit that this dimension is of critical importance.

As argued above, the invention is directed to a prefabricated flooring system. In manufacturing prefabricated flooring systems, many considerations have to be taken into consideration such as, for example, the types of wooden boards that are being used, the height of the boards to be placed on the existing infrastructure of the bowling center, the height of approach section (or area) to ensure that the bowling lane and approach area are of a same height, the distances between gutters, the leveling of the floor, the underlayment infrastructure already provided in the bowling center etc. Without taking these factors into consideration, the bowling lane may be not certified by the U.S. Bowling Congress.

The Examiner asserts that the feature of claim 2 is a mere design choice and has not shown to be of any critical nature. In view of the above, this simply is not correct. As discussed above, the height of the prefabricated boards are not a mere design choice and, in fact, it is critical to have specific dimensions of the boards. For the reasons set forth above, the dimensions of the wooden boards are critical. By example, without the proper dimensions, the bowling lane would not align properly with other features of the bowling center such as the gutters, the approach area, etc., thus making it, if not impossible, very difficult to bowl. Certainly, without the proper dimensions, the bowling center would not be able to be certified by the U.S. Bowling Congress. For example, the U.S. Bowling Congress has procedures just for measuring lanes, showing that it is of critical importance to meet the guidelines of the U.S. Bowling Congress. (See, http://www.bowl.com/downloads/pdf/specs_%20LaneMeasuringToolInstructionManual.pdf).

Dependent Claim 3

Claim 3 recites that the thickness of the plurality of wooden boards is less than 3/4 inches. The Examiner is of the opinion that this is an obvious design choice. Appellants do not agree and submit that this dimension is of critical importance.

As argued above, the invention is directed to a prefabricated flooring system. In manufacturing prefabricated flooring systems, many considerations have to be taken into consideration such as, for example, the types of wooden boards that are being used, the height of the boards to be placed on the existing infrastructure of bowling center, the height of approach section (or area) to ensure that the bowling lane and approach area are of a same height, the distances between gutters, the leveling of the floor, the underlayment infrastructure already provided in the bowling center, etc. Without taking these factors into consideration, the bowling lane may be not certified by the U.S. Bowling Congress.

The Examiner asserts that the feature of claim 3 is a mere design choice and has not shown to be of any critical nature. In view of the above, this simply is not correct. As discussed above, the height of the prefabricated boards are not a mere design choice and, in fact, it is critical to have specific dimensions of the boards. For the reasons set forth above, the dimensions of the wooden boards are critical. By example, without the proper dimensions, the bowling lane would not align properly with other features of the bowling center such as the gutters, the approach area, etc., thus making it, if not impossible, very difficult to bowl. Certainly, without the proper dimensions, the bowling center would not be able to be certified by the U.S. Bowling Congress. For example, the U.S. Bowling Congress has procedures just for measuring lanes, showing that it is of critical importance to meet the guidelines of the U.S. Bowling Congress. (See, http://www.bowl.com/downloads/pdf/specs_%20LaneMeasuringToolInstructionManual.pdf.)

Dependent claim 6

Claim 6 depends from claim 1. Claim 6 recites that the prefabricated preformed section is used as a section of an approach section of a bowling lane.

First, Appellants submit that the final rejection is improper since the Examiner has not considered the features of claim 6. More specifically, Appellants submit that the finality of the present office action is improper and should be withdrawn. According to MPEP 706,

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection.

Additionally, MPEP 706.07(a) notes:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). ...

Furthermore, a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art..

To this end, Appellants note that the Examiner, in the final office action did not provide any reasons for rejection of claim 6. Thus, the Examiner has not

provided Appellants with a fair opportunity to respond to a rejection of claim 6, as presented in the present office action.

In any event, Appellants submit that claim 6 recites allowable subject matter. As noted above, claim 6 is directed to an approach section. De Vore does not teach or suggest an approach section. As noted throughout the instant Brief, De Vore is specifically directed to a bowling lane.

Dependent claim 7

Claim 7 depends from claim 6. Claim 7 recites that remaining sections of the approach section are synthetic boards. Again, as discussed above, Appellants submit that De Vore never contemplates the use of an approach section, nor does this reference take into consideration the different considerations needed to form the approach section (or area). For this reason, Appellants submit that the use of an approach section (or area) is not obvious in view of the teachings of De Vore. In fact, Appellants submit that the Examiner is using impermissible hindsight reasoning based on Appellants' own disclosure.

Moreover, Appellants submit that the Examiner is merely rejecting claim 7 based on an obvious design choice. (See, page 3 f the final office action.) Appellants do not fully understand the Examiner's reasoning. More specifically, in claim 7, Appellants are not providing any specific dimensions which would justify a rejection based on an obvious design choice. As argued above, the approach section (or area) is a structural feature which requires its own considerations, none of which appear to be taken account of in De Vore.

Lastly, claim 7 further recites that the approach section (or area) is made of synthetic boards. De Vore only shows wooden boards. The use of synthetic boards would not be obvious in view of De Vore. The use of synthetic boards require many different design criteria, none of which would ever be contemplated by De Vore, since this reference only discloses the use of wooden boards. By way of example, the synthetic boards are typically thinner than wooden boards, thus having to take into consideration how the synthetic boards would match the height of the bowling lane. Also, synthetic boards would be attached to the

underlayment using a different laying method, again something that is not contemplated by De Vore.

Dependent Claim 17

Claim 17 is dependent on claim 1. Claim 17 recites that a width of the preformed section of wooden boards is greater than a bowling alley lane. Appellants submit that De Vore would teach away from this feature. Alternatively, Appellants submit that if De Vore would not work in its intended manner if it was modified to have wooden boards greater in width than that of the bowling lane.

More specifically, De Vore is directed only to a bowling lane assembly. De Vore makes specific provisions to attach the bowling lane to the gutters. For example, as shown in Figs. 2 and 5, the bowling lane is attached to the gutters using a specifically designed configuration. As such, it would not be possible for De Vore to have a plurality of wooden boards which are greater than the bowling alley itself, since it would not be possible to attach the boards to the side of the gutters.

Dependent Claim 18

Claim 18 is dependent on claim 17. Claim 18 recites that the preformed section of wooden boards is a prefabricated sectioned approach section totally filling an area of the bowling lane in addition to gutter area. As discussed above, Appellants submit that De Vore never contemplates the use of an approach section, nor does this reference take into consideration the different considerations needed to form the approach section (or area). For this reason, Appellants submit that the use of an approach section (or area) is not obvious in view of the teachings of De Vore. In fact, Appellants submit that the Examiner is using impermissible hindsight reasoning based on Appellants' own disclosure.

Moreover, Appellants submit that the Examiner is merely rejecting claim 18 based on an obvious design choice. (See, page 3 f the final office action.) Appellants do not fully understand the Examiner's reasoning. More specifically, in claim 18, Appellants are not providing any specific dimensions which would

justify a rejection based on an obvious design choice. As argued above, the approach section (or area) is a structural feature which requires its own considerations, none of which appear to be taken account of in De Vore.

In fact, the use of a prefabricated approach section is taught away from in De Vore, for the reasons discussed above.

Claim 20

Claim 20 depends from claim 1. Claim 20 recites that the preformed section includes drilled holes for the insertion of fasteners for fastening to a sub floor.

The Examiner is of the opinion that De Vore shows the use of screws to fasten the sub baseboard to the transverse beams 25. Appellants do not disagree with this interpretation. However, Appellants specifically note that the sub baseboard and transverse beams are not part of the flooring boards used as the bowling lane. These are lower sub assemblies. More specifically, in De Vore, these sections are not the wooden boards which the Examiner argued were the prefabricated boards. Accordingly, De Vore does not show the features of the claimed invention.

Additionally, Appellants submit that De Vore teaches away from the use of any type of fasteners to fasten the floor boards to the subassembly. More specifically, at col. 1, lines 49-54, which discloses

Another object of this invention is the provision of a bowling alley in which the boards are retained by operative relation to one another and to a supporting structure, without the use of material damaging means such as nails, screws or the like.

In view of this object, Appellants submit that De Vore would teach away from a drill hole used for fasteners.

Claim 21

Claim 21 depends from claim 20. Claim 21 recites the use of plugs for plugging the drilled holes.

In view of the fact that De Vore does not use any drilled holes for fasteners, Appellants submit that it would not be suggested or contemplated by De Vore to plug any such holes. That is, there would be no need, in De Vore, to provide such plugs since there are no holes to plug.

Claim 23

Claim 23 depends from claim 1. Claim 23 recites the plurality of wooden boards includes abutting short edges joined by an interleaved finger joint.

This feature is not shown or suggest by De Vore. In De Vore, at best, there is disclosure of a dovetail connection at col. 2, lines 50-54. More specifically, De Vore only discloses

The alley proper, inwardly of the foul line 12, is provided with what is known as a dovetail 17 and terminates forwardly of the pit 16 with a second dovetail 18. The dovetails while of considerable length are of considerably less length than the alley portion located between said dovetails. The dovetails are made up of alternate short and long boards, at the foul in end of the alley being respectively indicated by reference numerals 10 and 20 and at the pit end of the alley by reference numerals 21 and 22.

However, Appellants submit that there is no indication or showing that the dovetails are interleaved at the short ends of each of the boards, to make a connection thereof. Additionally, Appellants submit that De Vore is completely silent as to whether the dovetails are glued to one another in order to connect adjacent boards, along the short end sides. For at least this reason, then, Appellants submit that the De Vore reference does not show the feature of claim 38.

Claim 26

Claim 26 depends on claim 25. Claim 26 recites that the prefabricated approach section has a thickness of approximately less 2 3/4 inches. The Examiner is of the opinion that this is an obvious design choice. Appellants do not agree and submit that this dimension is of critical importance.

As argued above, the invention is directed to a prefabricated flooring system. In manufacturing prefabricated flooring systems, many considerations have to be taken into consideration such as, for example, the types of wooden boards that are being used, the height of the boards to be placed on the existing infrastructure of the bowling center, the height of the approach section (or area) to ensure that the bowling lane and approach section (or area) are of a same height, the distances between gutters, the leveling of the floor, the underlayment infrastructure already provided in the bowling center, etc. Without taking these factors into consideration, the bowling lane cannot be certified by the U.S. Bowling Congress.

The Examiner asserts that the feature of claim 26 is a mere design choice and has not shown to be any critical nature. In view of the above, this simply is not correct. As discussed above, the height of the prefabricated boards is not a mere design choice and, in fact, it is critical to have specific dimensions of the boards. For the reasons set forth above, the dimensions of the wooden boards are critical. By example, without the proper dimensions, the bowling lane would not align properly with other features of the bowling center such as the gutters, the approach area, etc., thus making it, if not impossible, very difficult to bowl. Certainly, without the proper dimensions, the bowling center would not be able to be certified by the U.S. Bowling Congress. For example, the U.S. Bowling Congress has procedures just for measuring lanes, showing that it is of critical importance to meet the guidelines of the U.S. Bowling Congress. (See, http://www.bowl.com/downloads/pdf/specs_%20LaneMeasuringToolInstructionManual.pdf).

Claim 27

Claim 27 depends on claim 25. Claim 25 recites that the prefabricated approach section has a thickness of approximately 3/4 inches. The Examiner is of the opinion that this is an obvious design choice. Appellants do not agree and submit that this dimension is of critical importance.

As argued above, the invention is directed to a prefabricated flooring system. In manufacturing prefabricated flooring systems, many considerations have to be taken into consideration such as, for example, the types of wooden boards that are being used, the height of the boards to be placed on the existing infrastructure of the bowling center, the height of the approach section (or area) to ensure that the bowling lane and approach section (or area) are of a same height, the distances between gutters, the leveling of the floor, the underlayment infrastructure already provided in the bowling center, etc. Without taking these factors into consideration, the bowling lane may be not certified by the U.S. Bowling Congress.

The Examiner asserts that the feature of claim 27 is a mere design choice and has not shown to be any critical nature. In view of the above, this simply is not correct. As discussed above, the height of the prefabricated boards is not a mere design choice and, in fact, it is critical to have specific dimensions of the boards. For the reasons set forth above, the dimensions of the wooden boards are critical. By example, without the proper dimensions, the bowling lane would not align properly with other features of the bowling center such as, the gutters, the approach, etc., thus making it, if not impossible, very difficult to bowl. Certainly, without the proper dimensions, the bowling center would not be able to be certified by the U.S. Bowling Congress. For example, the U.S. Bowling Congress has procedures just for measuring lanes, showing that it is of critical importance to meet the guidelines of the U.S. Bowling Congress. (See, http://www.bowl.com/downloads/pdf/specs_%20LaneMeasuringToolInstructionManual.pdf.)

Claim 28

Claim 28 depends on claim 25. Claim 28 recites that the prefabricated approach section has a width greater than the bowling lane. Again, Appellants submit that the use of the approach section is not suggested or taught by De Vore, for the reasons set forth above. In fact, the use of a prefabricated approach section is taught away from in De Vore, for the reasons discussed above.

Claim 35

Claim 35 depends on claim 24. Claim 35 recites that the prefabricated approach section includes drilled holes for the insertion of fasteners for fastening to a sub floor.

The Examiner is of the opinion that De Vore shows the use of screws to fasten the sub baseboard to the transverse beams 25. Appellants do not disagree with this interpretation. However, Appellants specifically note that the sub baseboard and transverse beams are not part of the flooring boards used as the approach section. These are lower sub assemblies. More specifically, in De Vore, these sections are not the wooden boards which the Examiner argued were the prefabricated boards. Accordingly, De Vore does not show the features of the claimed invention.

Additionally, Appellants submit that De Vore teaches away from the use of any type of fasteners to fasten the floor boards to the subassembly. More specifically, at col. 1, lines 49-54, which discloses

Another object of this invention is the provision of a bowling alley in which the boards are retained by operative relation to one another and to a supporting structure, without the use of material damaging means such as nails, screws or the like.

In view of this object, Appellants submit that De Vore would teach away from a drill hole used for fasteners.

Claim 36

Claim 36 depends on claim 24. Claim 36 recites that plugs are used for plugging the drilled holes.

In view of the fact that De Vore does not use any drilled holes for fasteners in the flooring boards making the bowling alley, Appellants submit that it would not be suggested or contemplated by De Vore to plug any such holes. That is, there would be no need, in De Vore, to provide such plugs since there are no holes to plug.

Dependent claims 4, 5, 10, 22, 29, 32, 37 and 40

Dependent claims 4, 5, 10, 22, 29, 32, 37 and 40 depend on respective base claims and, hence include all of the features therein. For the reasons discussed above, Appellants submit that dependent claims 4, 5, 10, 22, 29, 32, 37 and 40 are also distinguishable over the applied references, either alone, or the combination as presented by the Examiner.

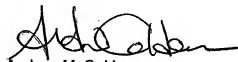
Dependent claims 14-16 and 34

Dependent claims 14-16 and 34 depend on respective base claims and, hence include all of the features therein. For the reasons discussed above, Appellants submit that dependent claims 14-16 and 34 are also distinguishable over the applied references, either alone, or the combination as presented by the Examiner.

CONCLUSION

In summary, De Vore does not show or suggest the features of claims 1-5, 7-10, 12, 13, 17-19, 20-33, and 35-40. Moreover, the combination of De Vore and Heddon does not show or suggest the features of claims 14-16 and 34. Therefore, the references do not provide evidence that would support a conclusion of anticipation under 35 U.S.C. §102(b) or obviousness under 35 U.S.C. §103(a). Appellants thus respectfully submit that the rejections of claims 1-12, 14-32 and 34-40 are in error and that reversal is warranted in this case.

Respectfully submitted,



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CLAIMS APPENDIX

A copy of the claims involved in the appeal is provided below.

1. (original) A prefabricated flooring system adapted for use in a bowling center, comprising a plurality of wooden boards having a longitudinal axis, the plurality of wooden boards each having substantially flat side edges along the longitudinal axis, interior boards of the plurality of wooden boards being bonded together by an adhesive applied on the side edges and two of the outermost boards of the plurality of wooden boards being bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.
2. (previously presented) The system of claim 1, wherein a thickness of the plurality of wooden boards is less than 2 3/4 inches.
3. (previously presented) The system of claim 1, wherein a thickness of the plurality of wood boards is approximately 3/4 inches.
4. (original) The system of claim 3, wherein the prefabricated flooring system is used in an approach section of a bowling lane and is greater than 42 inches in width.
5. (original) The system of claim 1, wherein the adhesive is one of:
 - (i) cold or hot pressed curing adhesive;
 - (ii) air drying PVA (Polyvinyl acetates) adhesive;
 - (iii) hot melt urethanes; and
 - (iv) radiation curing adhesive.
6. (original) The system of claim 1, wherein the prefabricated preformed section is used as a section of an approach section of a bowling lane.

7. (previously presented) The system of claim 6, wherein remaining sections of the approach section are synthetic boards.
8. (original) The system of claim 1, further comprising a finish on the wooden boards.
9. (original) The system of claim 1, wherein the preformed section of wooden boards includes an underlayment.
10. (original) The system of claim 9, wherein the underlayment is at least one layer of fiberboard.
11. (original) The system of claim 10, wherein the fiberboard is medium density fiber (MDF) or high density fiber (HDF) board or oriented strand board (OSB) or high density particle board (HDP).
12. (previously presented) The system of claim 11, wherein the underlayment is bonded to the plurality of wooden boards by adhesive or fastening device.
13. (canceled)
14. (original) The system of claim 1, further comprising an integrated foul line of contrasting material bonded to an edge of the preformed section of wooden boards substantially perpendicular to the longitudinal axis.
15. (original) The system of claim 14, wherein the integrated foul line is bonded to a groove in the edge of the plurality of wooden boards.
16. (original) The system of claim 15, wherein the groove is located at (i) a middle of the edge such that the foul line is a T shape, (ii) a bottom of the edge

such that the foul line is an L shape or (iii) a top of the edge such that the foul line is a block.

17. (original) The system of claim 1, wherein a width of the preformed section of wooden boards is greater than a bowling alley lane.
18. (previously presented) The system of claim 17, wherein the preformed section of wooden boards is a prefabricated sectioned approach section totally filling an area of the bowling lane in addition to gutter area.
19. (original) The system of claim 1, wherein the preformed section of wooden boards is approximately equal to a width of a bowling alley lane.
20. (original) The system of claim 1, wherein the preformed section includes drilled holes for the insertion of fasteners for fastening to a sub floor.
21. (original) The system of claim 20, further comprising plugs for plugging the drilled holes.
22. (original) The system of claim 1, further comprising contrasting dowels used as range finders.
23. (previously presented) The system of claim 1, wherein the plurality of wooden boards include abutting short edges joined by an interteaved finger joint.
24. (original) A bowling alley flooring system comprising:
 - a bowling lane; and
 - a prefabricated approach section abutting the bowling lane, the prefabricated approach section comprising:
 - a plurality of wooden boards having a longitudinal axis, the plurality of wooden boards each having side edges along the longitudinal axis, the

plurality of wooden boards being bonded together by an adhesive applied on the side edges wherein two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form the prefabricated approach section of wooden boards,

the prefabricated approach section having a thickness approximately the same as the bowling lane.

25. (original) The bowling alley flooring system of claim 24, wherein the bowling lane is a laminate floor.
26. (original) The bowling alley flooring system of claim 25, wherein the prefabricated approach section has a thickness of approximately less 23/4 inches.
27. (original) The bowling alley flooring system of claim 25, wherein the prefabricated approach section has a thickness of approximately 3/4 inches.
28. (original) The bowling alley flooring system of claim 25, wherein the prefabricated approach section has a width greater than the bowling lane.
29. (original) The bowling alley flooring system of claim 25, wherein the adhesive is one of:
 - a. cold or hot pressed curing adhesive;
 - b. air drying PVA (Polyvinyl acetates) adhesive;
 - c. hot melt urethanes; and
 - d. radiation curing adhesive.
30. (original) The bowling alley flooring system of claim 24, wherein the bowling lane includes a plurality of wooden boards having a longitudinal axis, the plurality of wooden boards each having side edges along the longitudinal axis, the plurality of wooden boards being bonded together by an adhesive applied on

the side edges wherein two of the outermost boards of the plurality of boards are bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a prefabricated bowling lane section of wooden boards, the prefabricated approach section having a thickness approximately the same as the prefabricated bowling lane section.

31. (original) The bowling alley flooring system of claim 29, further comprising a curable finish on the prefabricated approach section of wooden boards.

32. (original) The bowling alley flooring system of claim 24, wherein the prefabricated approach section includes a an underlayment of at least one layer of medium density fiber (MDF) or high density fiber (HDF) board or oriented strand board (OSB) or high density particle board (HDP).

33. (canceled)

34. (original) The bowling alley flooring system of claim 24, further comprising an integrated foul line of contrasting material bonded to an edge of the prefabricated approach section substantially perpendicular to the longitudinal axis.

35. (original) The bowling alley flooring system of claim 24, wherein the prefabricated approach section includes drilled holes for the insertion of fasteners for fastening to a sub floor.

36. (original) The system of claim 24, further comprising plugs for plugging the drilled holes.

37. (original) The system of claim 24, further comprising contrasting dowels used as range finders.

38. (original) A prefabricated flooring system adapted for use in a bowling center, comprising a plurality of wooden boards having a longitudinal axis, the plurality of wooden boards each having a long side edge and a short side edge, the short side edges of abutting wooden floors of the plurality of wooden floors having interleaved finger joints bonded together by an adhesive applied thereon and abutting wooden floors along the long sides being bonded together by an adhesive applied thereto with two of the outermost boards of the plurality of wooden boards being bonded only on one side edge by the adhesive to adjacent corresponding interior boards to form a preformed section of wooden boards.

39. (original) The system of claim 38, wherein the preformed section of wooden boards is at least a section of an approach area.

40. (original) The system of claim 39, wherein remaining portions of the approach area are laminate boards of synthetic material or residual wood approach.

EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).

NO.	EVIDENCE	BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER
	N/A	N/A

RELATED PROCEEDINGS APPENDIX

Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith.

NO.	TYPE OF PROCEEDING	REFERENCE NO.	DATE
1	N/A	N/A	N/A